

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**CHARLES TOWNSLEY, MICHAEL
SAURO, WALTER NOFFSINGER,
ROSA DAVIDSON, MICHAEL
KELLY, TITON HOQUE, JANET
GELPHMAN, THANH DO,**

Plaintiffs

V.

**INTERNATIONAL BUSINESS
MACHINES CORPORATION,**

Defendant.

NO. 1:20-CV-00969-DAE

ORDER

Before the Court is Plaintiffs' Motion to Compel Discovery, Dkt. 75, and all related responses and replies. The Court held a hearing on the motion on April 26, 2022.

For the reasons stated on the record in that hearing, the undersigned

GRANTS IN PART AND DENIES IN PART Plaintiffs’ Motion to Compel Discovery, Dkt. 75, and **OVERRULES IN PART AND SUSTAINS IN PART** IBM’s objections to Requests for Production No. 19 and 20. Specifically, the Court **ORDERS** IBM to respond to RFP’s 19 and 20 **within 30 days of the date of this Order**, by providing the categories of information set out in RFP 19, but limited, as to each remaining plaintiff as of the date of this order, by (1) the “group” in which the plaintiff was employed at the time the plaintiff was laid off by IBM (e.g., “Systems”); and (2)

the Resource Action/Restructuring Pool applicable to the plaintiff at the time of his or her layoff (i.e., “Concord,” “Maple,” or “Palm”).

At the time the Court articulated its ruling on the record, counsel for Plaintiffs indicated that the parties may have a dispute regarding the meaning of the phrase “contemplated for layoff,” as expressed in RFP 19. At this stage, the undersigned does not share in this confusion, and trusts that the parties can reach a mutual understanding of the language Plaintiffs themselves chose for this discovery request. Additionally, the undersigned points the parties toward Judge Yeakel’s Scheduling Order, which is still largely in effect in this case. It states in pertinent part:

The parties shall complete discovery on or before April 1, 2022. Counsel may, by agreement, continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

Dkt. 37.

The Court **DENIES** Plaintiffs’ motion in all other respects.

This case is **RETURNED** to the docket of the Honorable David Ezra.

SIGNED April 26, 2022.



DUSTIN M. HOWELL
UNITED STATES MAGISTRATGE JUDGE